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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,916

08/22/2003

George J. English

00-1-248 D1

1940

24252

7590

09/08/2005

OSRAM SYLVANIA INC  
100 ENDICOTT STREET  
DANVERS, MA 01923

EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/646,916

Applicant(s)

ENGLISH ET AL.

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-38, 40, 43-59 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-38, 40 and 43-59 is/are allowed.
- 6) ☒ Claim(s) 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of the amendment filed March 31, 2005 is acknowledged, from which a notice of allowance was sent on May 18, 2005, and the issue fee payment has been received on May 31, 2005. An inquiry by applicant's representative has brought to light remarks filed November 22, 2004, regarding claims 61 and 62, of which were remarked "It is believed that interfering subject matter exists between the claims in the instant application and the previously issued patent, No. 6,652,122", that at least claims 61 and 62 are equated to claims 1 and 2 from the '122 patent.
2. In view of the above considerations, the prosecution of application 10/646,916 is being reopened. Pending claims 36-38, 40, 43-59 and 61-64 have been reviewed for form and patentability. An action regarding this issue is provided below.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "an/said intermediate part" (of said concave reflective surface).

***Claim Objections***

4. Claim 61 is objected to because of the following informalities: Claim 61, line 10, the limitations "said intermediate part of said intermediate part" appears to be redundant. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 61-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed (parent case 09/966,140 filed September 28, 2001), had possession of the claimed invention.

7. In claim 61, the following limitations have no support from the specification: "a coupling post having an externally threaded end that engages said reflector in said mounting hole" and "wherein said lamp base further includes a cap having a base wall portion, a surrounding wall portion extending from said base wall portion, and a post engaging portion extending from said surrounding wall portion for engaging one end of said coupling post opposite said externally threaded end". The claimed "coupling post" does not appear to be represented by the disclosed "coupling 60", because there is no

apparent post-like structure suggested of coupling 60 as shown in figure 1. Nor does the claimed "coupling post" appear to be represented by the disclosed "cylindrical support" (100 in fig.7, 110 in fig.8) because its external threaded end ("threaded coupling 108" of fig.7 or "threaded shaft 134" of fig.11) is not engaged to said reflector (136, fig.11), as claimed in claim 61, but instead to a heat sink (pg.10, line 8) or a vehicle hull (140, pg.11, lines 14-16) as disclosed. As for the claimed "a cap having a base wall portion, a surrounding wall portion extending from said base wall portion, and a post engaging portion extending from said surrounding wall portion for engaging one end of said coupling post opposite said externally threaded end", the disclosed head portion (18) may be construed as the claimed "cap", but there are no disclosed support or illustration for "base wall portion" associated with the cap or head and "a surrounding wall portion extending from said base wall portion, and a post engaging portion extending from said surrounding wall portion for engaging one end of said coupling post opposite said externally threaded end".

8. In claims 63 and 64, the following limitations have no support from the specification: "a mounting post with a first end fixed to said intermediate portion" (of the concave reflector) and "wherein said intermediate portion contains an internally threaded aperture and said first end of said mounting post has a matching, externally threaded portion for engagement with said internally threaded portion". It does not appear that the "mounting post" can be construed as the disclosed "coupling 60" because there is no apparent post-like structure suggested of coupling 60 as shown in figure 1. Nor can the "mounting post" be construed as the "cylindrical support" (100 in

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fig.7, 110 in fig.8) because its external threaded end ("threaded coupling 108" of fig.7 or "threaded shaft 134" of fig.11) is not engaged to any internally threaded portion of the reflector (136, fig.11), but instead to a heat sink (pg.10, line 8) or a vehicle hull (140, pg.11, lines 14-16) as disclosed. Though attention is directed to page 5, lines 11-14 in the specification, which applicant regards the claimed "coupling post" as the disclosed "coupling 60" described as "a bayonet, threaded, or similar coupling 60 ...", the written specification and drawings do not support the claimed "mounting post" or "coupling post". Furthermore, the disclosed coupling 60 does support the claimed "a mounting post with a first end fixed to said intermediate portion and extending away therefrom; and a lamp unit mounted to a second end of said mounting post", because it is apparent that coupling 60 has no structure that extends away from the reflector nor a distinct second end that mounts the lamp unit.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 63 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. In claim 63, the limitations "a concave reflector", "an intermediate portion", "a mounting post" and "a lamp unit ... comprising at least one light emitting diode" are indefinite as being the same as or different from similarly worded limitations in

preceding claim 61, namely, "a curved reflector", "an intermediate part", "a coupling post" and "a lamp unit ... including at least one light emitting diode".

***Allowable Subject Matter***

12. Claims 36-38, 40 and 43-59 are allowed.

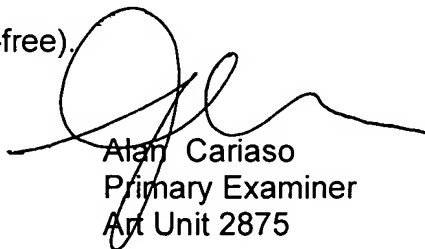
13. The following is a statement of reasons for the indication of allowable subject matter: Claims 36-38, 40 and 43-59 are allowable because none of the prior art of record suggests at least: (a) a lamp capsule having a support, wherein the support includes an umbrella like head portion, a plurality of LEDS mounted on the support, and positioned with respect to the head portion so that the head portion is substantially intermediate the LEDS and the field to be illuminated, wherein the support is made from material having a high thermal conductivity to conduct heat away from the plurality of LEDS; (b) the majority of LEDs mounted on the support being oriented so the LED axes form an angle with respect to the forward lamp axis direction of ninety or more degrees, a reflector receiving the LEDs at a rear opening, the ratio of the reflector diameter to the reflector height is more than 1.0, and wherein the reflector height is less than 5 centimeters; (c) a base structure of the plural-LED-mounted support have a thermally conductive connection to a heat sink, wherein the base structure includes a heat conductive flange and a coupling to press the flange to a thermally conductive portion of a vehicle hull; (d) wherein the LEDS are supported on an intermediate flexible substrate, and the flexible substrate is bent to conform with the exterior contour of the support, the flexible substrate being mechanically coupled to the support.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alan Cariaso  
Primary Examiner  
Art Unit 2875

July 20, 2005  
AC